



DAC 27W

S&H Form: (10/03)  
Attorney Docket No. 826.1581

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Kazuo TANAGUCHI, et al.

Application No.: 09/461,335

Group Art Unit: 2628

Confirmation No.: 3674

Filed: December 15, 1999

Examiner: KIMBINH T. NGUYEN

For: FIGURE SELECTION METHOD, FIGURE SELECTION DEVICE, AND STORAGE MEDIUM STORING FIGURE SELECTION PROGRAM

**PETITION FOR WITHDRAWAL OF  
HOLDING OF ABANDONMENT UNDER 37 C.F.R. § 1.181(a)**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

In the above-referenced application, a Notice of Abandonment, copy attached, was mailed September 13, 2006 indicating that the above-identified application is abandoned for failure to timely pay the required issue fee within three months from the mailing date of the Notice of Allowance.

In accordance with MPEP § 711.03(c)(1)(A), the undersigned states that the Notice of Allowance was not received and attests that a search of the file jacket and the docket records indicates that the Notice of Allowance was not received.

A copy of the docket records where the non-received Notice of Allowance would have been entered, and thereby docketed for response, is attached hereto.

Applicants' review of the Patent Application Information Retrieval (PAIR) system indicates that the Notice of Allowance was mailed May 3, 2006. However, the Notice of Allowance was not received.

In view of the foregoing, Applicants respectfully petition to withdraw the holding of abandonment, re-mail the Notice of Allowance of May 3, 2006 and set a new period for payment of the issue fee and publication fee, if applicable.

In the event any fees are required with respect to the filing of this paper, please charge our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 09/22/2006

By: Temnit Afework  
Temnit Afework  
Registration No. 58,202

1201 New York Ave, N.W., 7th Floor  
Washington, D.C. 20005  
Telephone: (202) 434-1500  
Facsimile: (202) 434-1501

TA  
UNITED STATES PATENT AND TRADEMARK OFFICE

Pet. to withdraw Aband.

10-13-06

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

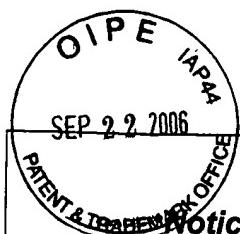
APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/461,335	12/15/1999	KAZUO TANAGUCHI	826.1581/JDH	3674
21171	7590	09/13/2006	EXAMINER	
STAAS & HALSEY LLP				NGUYEN, KIMBINH T
SUITE 700				ART UNIT
1201 NEW YORK AVENUE, N.W.				PAPER NUMBER
WASHINGTON, DC 20005				2628

DATE MAILED: 09/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

STAAS &amp; HALSEY

SEP 18 2006



<b>Notice of Abandonment</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/461,335	KAZUO TANAGUCHI
	Examiner NGUYEN, KIMBINH T	Art Unit 2628

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--*

This application is abandoned in view of:

1.  Applicant's failure to timely file a proper reply to the Office letter mailed on \_\_\_\_\_.  
 (a)  A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.  
 (b)  A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.  
     (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).  
 (c)  A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).  
 (d)  No reply has been received.
2.  Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).  
 (a)  The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).  
 (b)  The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
     The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.  
 (c)  The issue fee and publication fee, if applicable, has not been received.
3.  Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).  
 (a)  Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.  
 (b)  No corrected drawings have been received.
4.  The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5.  The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6.  The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7.  The reason(s) below:

AG

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.



## Attachment to Notice of Abandonment

**For questions concerning the notice contact  
Office of Patent Publication  
Image Assistance Center: 888-786-0101.**

Information is also available on the USPTO Internet web site:  
<http://www.uspto.gov/web/patents/pubs/abandonnotice.html>

### **Respond to the Notice of Abandonment by one of the following:**

#### **1. Petition To Withdraw Holding of Abandonment (See MPEP 711.03(c) I and 37 CFR § 1.181) No fee required**

Where an applicant contends that the application is not in fact abandoned (e.g., a reply was in fact filed), a petition under 37 CFR § 1.181(a) requesting withdrawal of the holding of abandonment is the appropriate course of action. Any petition under 37 CFR § 1.181 to withdraw the holding of abandonment not filed within 2 months of the mail date of a Notice of Abandonment may be dismissed as untimely under 37 CFR § 1.181(f). In order for a petition to be granted, the evidence must be sufficient according to 37 CFR § 1.8(b) Certificate of Mailing 37 CFR § 1.10 "Express Mail" mailing or MPEP 503 Postcard Receipt as Prima Facie Evidence. The petition should be addressed as follows:

By mail: Mail Stop: Issue Fee, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450  
By facsimile: 571-273-8300

#### **2. Petition To Withdraw Holding Of Abandonment Based On Failure To Receive Office Action (MPEP 711.03(c) II and 37 CFR § 1.181). No fee required**

Where an applicant contends that the original Notice of Allowance and Fee(s) Due was never received, if adequately supported, the Office may grant the petition and remail the Office action. The showing required establishing non-receipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the nonreceived Office would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

Petition should be addressed to the Technology Center handling the application as follows:  
By mail: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450  
By facsimile: 571-273-8300

#### **3. Petition To Revive An Abandoned Application (See MPEP 711.03(c) III)**

Where there is no dispute as to whether an application is abandoned (e.g., the applicant's contentions merely involve the cause of abandonment) a petition under 37 CFR § 1.137 (a) or (b) (accompanied by the appropriate petition fee) is necessary to revive the abandoned application. The text of these rules is available on the USPTO Internet Web site. Forms for these petitions, "Petition For Revival Of An Application For Patent Abandoned Unavoidably Under 37 CFR § 1.137(a)," PTO/SB/61, and "Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b)," PTO/SB/64, are available in the forms section of the USPTO website: <http://www.uspto.gov>.

Petitions under 37 CFR § 1.137 should be addressed to the Office of Petitions as follows:  
By mail: Mail Stop Petition, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450  
By facsimile: 571-273-8300

Note: Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment

9/19/2006

SEP 22 2006

O I P E  
U S P T O  
T R A D E M A R K O F F I C E  
Docket No 0826.1581  
Country United States  
Case Type Regular  
Relation Original Filing  
Filing Type National  
Filing Number  
Billing Attorney Temnit Afework  
Original Atty J. Randall Beckers  
Client\Division OSUGA & ASSOCIATES  
Assignee No.1 FUJITSU LIMITED  
Assignee No.2 NO ASSIGNEE  
Client Refer. No. 990567  
Pat Proofing  
Next Tax Dt  
Tax Base Dt  
Publication Dt  
Issued Dt  
Filing Date 12/15/1999  
Prio Issued Dt  
Parent Filing Dt 12/16/1998  
Sub Stat Dt 12/14/1999  
Prio Filing Dt 12/16/1998  
Conv Type  
Publication #  
Patent No  
Serial # 09/461,335 3674  
Prior Appln No. 10-357646  
Priority Country Japan  
Sub Stat Application Received  
Status Filed

## Patent Information Print

Total Claims	15
Ind. Claims	3
Expiration Dt	
Entity Status	
Foreign Agent	
Filing Partner	
Assignee No.3	
Assignee No.4	
Assignee No.5	
Techncl Editor	
Client Ref No	990567
Add Prio Appln No	
Add Prio Fil Dt	
Add Pri App No	
Add Prio Fil Dtl	
Assig 1 Reel/Frame	010467/0261
Record Date 1	12/15/1999
Assig 2 Reel/Frame	
Record Date 2	
Intrntl Class	
U.S. Class	
No. of Pages	2
Grp Art Unit	2772
Verified	N
Customer	SNPP
Create Dt	12/13/1999
Update Dt	9/19/2006
Update Tm	1403
Update User	LMK
Update Type	

## \*\*Actions\*\*

Action	Application Filed	Comp Dt	12/15/1999
Act Due Date	12/16/1999	Patent Proofer	
DeadLn Dt	12/16/1999	Last Resp Atty	

## Act Notes

FEE TRANSMITTAL, ASSIGNMENT RECORD COVER SHEET, ASSIGNMENT,  
PRIORITY DOCUMENT, W/CK \$800.00\*\*\*\*

Action	Notice of Abandonment	Comp Dt	10/8/2002
Act Due Date	10/1/2002	Patent Proofer	
DeadLn Dt		Last Resp Atty	

## Act Notes

PER NO RESP TO O.A. MAILED 2-13-02 \*

Action	Pet Wthdrw Aband/Rev	Comp Dt	10/29/2002
Act Due Date	11/1/2002	Patent Proofer	
DeadLn Dt		Last Resp Atty	

Action	PTO Commnctn Recvd	Comp Dt	6/23/2003
Act Due Date	6/17/2003	Patent Proofer	
DeadLn Dt		Last Resp Atty	

## Act Notes

DECISION ON PETITION TO VACATE N/ABANDONMENT, PETITION GRANT  
ED \*\*\*\*

Action	PTO Commnctn Recvd	Comp Dt	9/2/2003
Act Due Date	8/26/2003	Patent Proofer	
DeadLn Dt		Last Resp Atty	

## Act Notes

RECV'D STATUS LTR REPLY

Action	Office Action Mailed Date	Comp Dt	1/30/2004
Act Due Date	1/28/2004	Patent Proofer	

Dea'dLn Dt,

Last Resp Atty

Action Rprt to Clnt Sent  
Act Due Date 2/2/2004  
DeadLn Dt

Comp Dt  
Patent Proofer  
Last Resp Atty

2/3/2004

Action Incoming Mail Recvd  
Act Due Date 6/15/2004  
DeadLn Dt

Comp Dt  
Patent Proofer  
Last Resp Atty

6/25/2004

Act Notes

ENCLSD. COMMENTS/CLAIMS AMDMNTS FOR RESPONDING TO OA.

Action Response Filed  
Act Due Date 6/28/2004  
DeadLn Dt 7/28/2004

Comp Dt  
Patent Proofer  
Last Resp Atty

6/28/2004

Act Notes

VIA FACSIMILE; REPLY/AMENDMNT FEE TRANSMTTL, 2 MON EOT, CHRG  
DEP ACCNT \$506.00

Action Incoming Mail Recvd  
Act Due Date 9/3/2004  
DeadLn Dt

Comp Dt.  
Patent Proofer  
Last Resp Atty

9/7/2004

Act Notes

DOCS. FOR FILING IDS DUE 9/8/2004

Action Final Rejection Mail Dt  
Act Due Date 8/23/2005  
DeadLn Dt

Comp Dt  
Patent Proofer  
Last Resp Atty

8/25/2005

Action Final Response Filed  
Act Due Date 11/23/2005  
DeadLn Dt 2/23/2006

Comp Dt  
Patent Proofer  
Last Resp Atty

12/23/2005

Act Notes

(32) AMNDMNT INCL. FEE/REPLY TRNSMTL; W/CK\$120.00 #39339

Action Incoming Mail Recvd  
Act Due Date 12/12/2005  
DeadLn Dt

Comp Dt  
Patent Proofer  
Last Resp Atty

1/9/2006

Act Notes

CONF.LE : INSTR. FOR RESPONSE TO OA;

Action Advisory Action Rcvd  
Act Due Date 1/20/2006  
DeadLn Dt

Comp Dt  
Patent Proofer  
Last Resp Atty

1/23/2006

Act Notes

REQ.RECONSID. HAS BEEN CONSIDERED BUT DOES NOT PPLACE APPLN  
IN CONDITION FOR ALLOWANCE;

Action Incoming Mail Recvd  
Act Due Date 1/31/2006  
DeadLn Dt

Comp Dt  
Patent Proofer  
Last Resp Atty

2/10/2006

Act Notes

CONF.LE: INSTR.TO FILE RCE;

Action RCE Reqst Filed  
Act Due Date 2/23/2006  
DeadLn Dt 2/23/2006

Comp Dt  
Patent Proofer  
Last Resp Atty

2/22/2006

Act Notes

(19) RCE; AMNDMNT; W/CK\$1890

Action Notice of Abandonment  
Act Due Date 9/13/2006  
DeadLn Dt

Comp Dt  
Patent Proofer  
Last Resp Atty

9/19/2006



Act Notes  
FAILURE TO PAY ISSUE FEE;

Action Pet Wthdrw Aband/Rev Comp Dt  
Act Due Date 10/13/2006 Patent Proofer  
DeadLn Dt Last Resp Atty

Act Notes  
per Ntc of Aband. mailed 9/13/06: failure to pay Issue Fee;  
Notice of Allowance dated 5/3/06 wasn't rcvd by S &H;

Action Next Office Action ? Comp Dt  
Act Due Date 2/22/2007 Patent Proofer  
DeadLn Dt Last Resp Atty

Action Communication Filed Comp Dt 10/29/2002  
Act Due Date Patent Proofer  
DeadLn Dt Last Resp Atty

Act Notes  
(44) PETITION TO WITHDRAW ABANDONMENT; INCOMING MAIL LOG AN  
D DOCKET RECORD \*\*\*\*

Action Status Inquiry Comp Dt 8/18/2003  
Act Due Date Patent Proofer  
DeadLn Dt Last Resp Atty

Act Notes  
(49) STATUS INQUIRY

Action No Foreign Filing Needed Comp Dt  
Act Due Date Patent Proofer  
DeadLn Dt Last Resp Atty

Action IDS Filed Comp Dt 9/7/2004  
Act Due Date Patent Proofer  
DeadLn Dt Last Resp Atty

Act Notes  
(4) IDS, PTO-1449, W/REFS

\*\*Inventors\*\*

Inv Name TANAGUCHI, KAZUO

Inv Name INOUE, TAKUYA

\*\*Exmnr's Name\*\*

Exmnr's Name SCOTT WALLACE

\*\*Title\*\*

Title  
FIGURE SELECTION METHOD, FIGURE SELECTION DEVICE, AND STORAG  
E MEDIUM STORING  
FIGURE SELECTION PROGRAM

\*\*Fax/Express Log\*\*

Trans Type Outgoing Fax

Comments  
12-14-99 1 PG NEW APPL.

Trans Type Outgoing Fax

Comments  
12-15-99 1 PG REF. APPL.

Trans Type Incoming Fax

Comments

6-15-04 5 PGDS COMMENTS TO CLAIMS

Trans Type Incoming Fax

Comments

9-3-04 53 PGS RE-ENCLOSED DOCUMENTS FOR IDS

Trans Type Express Mailed Recvd

Comments

9/7/2004 FEDEX 8399 5261 0983

Trans Type Incoming Fax

Comments

10-14-05 1 PGS RE-SEND REPORT

Trans Type Incoming Fax

Comments

10-24-05 1 PGS RE-SEND REPORT

Trans Type Incoming Fax

Comments

10-28-05 1 PGS RE-SEND REPORT

Trans Type Incoming Fax

Comments

12-12-05 2 PGS RE-COMMENT TO APPLI.

Trans Type Incoming Fax

Comments

1-31-06 2 PGS RE-FILE RCE